



CITY OF BEAVERTON
Community Development Department
Development Services Division
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR 97076
Tel: (503) 526-2420
Fax: (503) 526-3720
www.ci.beaverton.or.us

TYPE 4 NOTICE OF PROPOSED ORDINANCE ACTION

This is to notify you that the City shall consider a proposed land use regulation that may affect the permissible uses of your land.

Date of Notice: December 14, 2004
TA2004-0008: Floodplain Text Amendment

Background of this proposal:

This proposal updates Beaverton Development Code regulations that affect property within the City that is also within the floodplain of Fanno Creek. The updates are required under Federal law as explained below.

An agency of the United States Government known as the Federal Emergency Management Agency (hereinafter "FEMA") is responsible for studying floodplains and floodways of all waters in the United States. Upon the results of their studies, FEMA composes and regularly updates the nation's Flood Insurance Program maps.

The nation's floodplains can change due to a wide variety of natural and man-made factors. Therefore FEMA must routinely study and update these regions to keep federal regulations consistent with conditions on the ground.

The Fanno Creek floodplain was studied and mapped as early as the 1970's. These maps were subsequently adopted by FEMA in 1984 and updated in 1987 for Fanno Creek. The present proposal builds upon this previous history of flood studies.

FEMA has recently concluded its most recent study of the Fanno Creek floodplain and has adjusted the nationwide map as it pertains to Fanno Creek. The FEMA study updates what is known as the Base Flood Elevation, (hereinafter "BFE") which is the level to which water is estimated to rise during a flood event. An accurate, updated Base Flood Elevation (BFE) is an important part of the Development Code because the BFE affects how buildings within the floodplain should be safely designed and constructed.

What this proposal does:

Federal law requires Beaverton to update its floodplain regulations to United States standards or risk losing the protection of the National Flood Insurance Program. Accordingly, this proposal keeps Beaverton in compliance with—and protected by—Federal statutes and regulations. The attached map illustrates affected property.

How can I find out more?

The materials associated with this project are available for inspection at Beaverton City Hall located at 4755 SW Griffith Drive, 97076-4755. A staff report that summarizes the proposal will be available 7 days before the public hearing. Copies of any of these materials can be purchased for a reasonable fee.

For additional information you can contact the members of the Planning Department staff assigned to this project. They are Liz Jones, Associate Planner, (503) 350-4082, and Jim Duggan, Project Engineer, (503) 526-2442.

Additional notice required by statewide law:

Ballot Measure 56, adopted by Oregon voters on November 3, 1998, requires the following statement to be included in this notice:

“This is to notify you that the City of Beaverton has proposed a land use regulation that may affect the permissible uses of your land and may reduce your property value.”

Unfortunately this required utterance is inconsistent with many proposals for new or amended land use regulations. In this case, updating the city’s flood plain regulations is an ongoing effort to promote safety and stability. Despite the required cautionary language the city has not determined that property values will be affected as a result of this proposal.

Can I contribute my opinion to this process?

Absolutely, staff welcome your questions and comments. You can mail written comments to the Development Services Division, PO Box 4755, Beaverton, OR 97076. You can also hand deliver written comments in person to the Development Services Division, located on the 2nd floor of City Hall. If you submit written comments by December 23, 2004, the staff can consider them in the Staff Report.

Pursuant to Beaverton Development Code written comments submitted PRIOR TO the hearing must arrive before 4:30 PM on the day of the hearing. You can submit written material at the hearing, in which case should the material be greater than 2 letter-sized pages you must submit 10 copies of your comments. You can also testify at the public hearing during the time set aside for members of the public.

Failure to raise an issue in a hearing, by testifying in person or by letter, or failure to provide statements or evidence with sufficient specificity to afford the Planning Commission an opportunity to respond to such issue, may preclude appeal to the Land Use Board of Appeals on that issue.

What is the applicable approval criteria for this amendment?

Development Code Section 40.85.15.1.C.1-7 and Comprehensive Plan Policies 8.7 a - d

How is the City considering this amendment?

The Beaverton Planning Commission will consider this proposal at a public hearing currently set for January 5, 2005. The Commission will meet at 6:30 PM in the Council Chambers of Beaverton City Hall.

The Planning Commission will discuss this matter, take public testimony, and approve a written order of its decision. The written order is in the form of a recommendation to the City Council, which will then enact the proposal in the form of an Ordinance.